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012004

PATENT

Attorney Docket No. 1310.01

22390 U.S. PTO
10/760610

012004

MAIL STOP PATENT APPLICATION

Commissioner of Patents
PO BOX 1450
Alexandria, VA 22313-1450

Certificate of Express Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Express Mail No. ET 949 474 765 US in an envelope addressed to MAIL STOP PATENT APPLICATION; Commissioner for Patents; PO Box 1450; Alexandria, VA, 22313-1450, on the following date: January 20, 2004

Christian Heausler

Christian Heausler

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): **MARK JEFFERY SMITH**

For: **WIRELESS METHOD FOR COMMUNICATIONS**

1. Type of Application

This new application is for a(n):

☒ Utility application.

The current application claims priority to co-pending U.S. Patent Application Serial No. 60/471,978 filed May 20, 2003, which is incorporated herein by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

12 Pages of specification

5 Pages of claims

1 Page of abstract

5 Sheets of ☒ informal or ☐ formal drawings (FIG 1, 2, 3, 4, and 5)

3. **Declaration or Oath**

☒ Enclosed executed by inventor.

4. **Non-publication Request under 35 U.S.C. § 122(b)(2)(B)(i)**

☒ Enclosed and signed in compliance with 37 C.F.R. § 1.33(b).

5. **Language**

☒ English

6. **Postcard**

☒ A postcard is attached

7. **Fee Calculation (37 CFR 1.16)**

☒ Utility application

A. Number of claims as filed	<u>28</u>
B. Number of independent claims as filed	<u>2</u>

Filing Fee Calculation $[\$770 + [(A-20) \times \$18 + (B-3) \times \$86]]$ \$ 914.00

8. **Small Entity Statement(s)**

☒ Applicant claims small entity under 37 CFR § 1.27.

Filing Fee Calculation (50% of above) \$ 457.00

9. **Fee Payment Being Made At This Time**

☒ Enclosed


☒ Basic filing fee \$ 457.00

Total fees enclosed \$ 457.00

10. **Method of Payment of Fees**

- [X] Commissioner is hereby authorized to charge the **\$457.00** filing fees and any other fee deficiencies associated with this filing to Deposit Account No. 50-1313 in the name of Buskop Law Group. A duplicate copy of this transmittal is attached.

Date: January 20, 2004


Christian N. Heausler; Reg. No. 50,771

Send correspondence to:

Wendy K. Buskop
Buskop Law Group, P.C.
1717 St. James Place, Suite 500
Houston, Texas 770560.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK JEFFERY SMITH

Group Art Unit: Not Assigned

Serial No.: Not Assigned

Examiner: Not Assigned

Filed: Concurrently Herein

For: WIRELESS METHOD FOR
COMMUNICATION

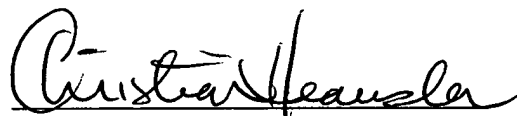
Atty Dkt No.: 1310.01

NONPUBLICATION REQUEST UNDER 35 U.S.C. § 122(b)(2)(B)(i)

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. § 122(b).

1/20/04
Date


Christian N. Heausler, Reg. No. 50,771

This request must be signed in compliance with 37 C.F.R. § 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. § 122(b)(2)(B)(iii)).**